

REMARKS

Claims 1-20 are pending in the application. By this Amendment, claim 7 has been amended. It is submitted that this Amendment is fully responsive to the Office Action dated March 19, 2009.

As to Final Rejection

On page 7, item 5 of the Action, the Examiner alleges that Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. However, the Examiner withdrew the Yun reference cited in the previous Action because the Yun reference was not qualified as a proper prior art and made a new rejection relying on a newly cited art of Garritsen. Also, claim 1 was amended to overcome §101 rejection, not for avoiding the Yun reference. Therefore, with regard to claim 1, Applicant's amendment did not necessitate the new ground of rejection presented in this Office Action, but the disqualified Yun reference necessitated the new ground of rejection presented in this Office Action. Please also note the following excerpts from MPEP 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR

1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed.

In view of the above, withdrawal of the finality of the outstanding Office Action and entering this Amendment are respectfully requested. If the Examiner disagrees with this position, it is respectfully requested that the Examiner provides detailed basis of the finality.

Claim Rejections - 35 U.S.C. §103

Claims 1-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over by Takahashi (U.S. Patent No. 6,952,522 B2) in view of Garritsen (U.S. Patent No. 6,922,759 B2).

This rejection is respectfully traversed. With regard to the feature of claim 1, “*predetermined information is first recorded, using a processor, in a work sector before performing primary recording as well as the number of mountings of the file system is further recorded, using the processor, in the work sector,*” the Examiner clearly acknowledges the drawbacks and deficiencies of Takahashi, that is, Takahashi does not disclose this feature (Please see page 4 of the Action).

In an attempt to cure the above-noted drawbacks and deficiencies of Takahashi, the Examiner relies on the teachings of Garritsen, especially relies on column 8, lines 52-67 of Garritsen and alleges that the alleged disclosure of Garritsen suggests that the number of mountings of the file system is further recorded in the work sector.

However, the Examiner appears to misunderstand the disclosures of Garritsen including the alleged disclosure. Specifically, Garritsen provides a file system architecture which allows playing audio files of multiple formats (e.g. MP3, WMA, WAV) from a computer's (e.g. notebook) physical storage medium (e.g. hard-drive), while the computer is in a power saving mode, (e.g. power off mode, suspend mode, sleep mode, or a similar power saving mode) (please see column 4, lines 26-49). This file system architecture includes four layers described below:

Layer 4	Play List Management layer
Layer 3	File Management layer
Layer 2	Volume Management layer
Layer 1	File System Management layer

Also, brief description of the above four layers is provided on column 4, line 50 to column 5, line 7.

With regard to the layer 1 of the file system management layer, the Examiner relies on the following operation of the file system management layer, “[w]hen the volume is mounted, the File System management layer calls the Play List management layer with the first sector of the play list index” (please see page 4, 3rd paragraph of the Action). The file system management layer accesses the medium directly and supports basic functionality such as mounting, formatting, and dismounting the volume. The file system management layer mounts

503 the volume where the audio files managed by the file system architecture are stored (please see column 6, lines 58-64). However, the disclosure of Garritsen related to the file system management layer is even silent regarding the number of mountings of the file system, and also silent regarding recording of the number of mountings of the file system in the work sector.

Next, the alleged first sector of the play list index is pointed by the PlayIndexSector field in a “Record Structure 1”¹. The record structure (“Record Structure 2”) of the “play list index” is also listed on column 9, line 1 of Garritsen. Furthermore, Garritsen includes, in the specification, total ten different record structures (Record Structure 1-10). However, none of those record structures even mentions the number of mountings of the file system. Therefore, Garritsen is silent regarding recording of the number of mountings of the file system in the work sector.

Accordingly, even if, assuming *arguendo*, that Takahashi may be combined with Garritsen in the manner suggested by the Examiner, such combination would at least still fail to disclose or fairly suggest the claimed feature of “*the number of mountings of the file system is further recorded, using the processor, in the work sector,*” as called for in claim 1. Accordingly, claim 1 and its dependent claims patentably distinguish over Takahashi and Garritsen.

Claims 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over by Takahashi (U.S. Patent No. 6,952,522 B2) in view of Suzuki (U.S. Patent No. 7,447,672 B2).

This rejection is respectfully traversed. Independent claim 7, as amended, now calls for the feature of “a first data of a first directory entry is written, using a processor, in the predetermined unit and a backup data of the first directory entry is written, using a processor, in

¹ This structure is shown on column 7, line 11 of Garritsen.

the predetermined unit such that the first data and the backup data written in the predetermined unit are separated from each other by a predetermined offset, and wherein the backup data includes an entire content of the first directory entry.” This amendment is supported by, for example, the specification (page 18, lines 16-30).

The Examiner disagrees with Applicants’ argument presented in the previous response dated December 22, 2009 and alleges that:

Suzuki discloses "... a file entry for specifying a file recorded on the recording medium ... the name of the file specified, the information for identifying a recording position of the entity data of the file, are included in the file entry ... the name of the sub-directory specified and the information identifying the root entry or the sub-entry specifying the parent directory of the subdirectory are included in the sub-entry..." (col. 2, lines 13-27). The sub-entry when record in the sector will include the parent name and/or id; the same information about the directory are record plurality of time in sub-entry (please see pages 2-3, item 2 of the Action).

However, Suzuki does not disclose or suggest the backup data which includes an entire content of the first directory entry. Specifically, Figs. 14 and 15 of Suzuki describe a directory structure. While some files (for example, File 3 and File 6) share a common parent directory (Sub 1) with each other, each directory should include unique data such as a “recording position of an entity data of a file.” Accordingly, in Suzuki, the content of one directory entry should be different from the content of another directory entry. Therefore, Suzuki is even silent regarding the “backup data of the first directory entry,” and is also silent regarding the backup data which includes an entire content of the first directory entry.”

Accordingly, even if, assuming *arguendo*, that Takahashi may be combined with Suzuki in the manner suggested by the Examiner, such combination would at least still fail to disclose or

fairly suggest the claimed feature of “*a backup data of the first directory entry is written, using a processor, in the predetermined unit such that the first data and the backup data written in the predetermined unit are separated from each other by a predetermined offset, and wherein the backup data includes an entire content of the first directory entry,*” as now called for in amended claim 7. Accordingly, claim 7 and its dependent claims patentably distinguish over Takahashi and Suzuki.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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